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MEMORANDUM ENDORSED

July 3, 2024

Via ECF

Hon. Gregory H. Woods, USDJ
Southern District of New York
40 Foley Square
New York, New York 11201

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/15/2024
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Re: *United States v. Mansur Mohamed Surur 19Cr338 (GHW)*

Your Honor,

On or about June 3, 2021 the Court granted Mr. Massena's application seeking my assignment as associate counsel on behalf of Mr. Mansur Mohamed Surur to assist with the review of discovery and otherwise prepare for trial. At the time, the Court authorized an initial 100 hours at a rate of \$90 / hour without prejudice to seeking authorization for additional time should counsel's services go beyond the 100 hours.

Counsel writes now to request (1) that the Court authorize additional hours as necessary to continue our representation of this indigent client, consistent with the statutory authority found within the Criminal Justice Act and (2) to authorize an adjustment to the authorized CJA hourly rate nunc pro tunc to the date of assignment.

I acknowledge that this voucher is well beyond the 45 days after final judgement (10.20.22) and contrary to the Second Circuit Judicial Council Committee on Criminal Justice Act Representation Policy and Procedure. Please know that both professional and personal obligations worked to delay the submission of this voucher, including assisting family deal with a debilitating illness. It was not counsel's intention to delay the timely submission of this voucher and I will work to resolve this issue going forward.

Additionally, as the Court is aware, the discovery in this matter was substantial and counsel submits that the time invested in reviewing the material and otherwise preparing for trial, exhausted the initial 100 hours previously authorized. I also consulted with Mr. Alan Nelson, Second Circuit Budget Counsel, who advised that as a SDNY CJA Panel member in good standing, my hourly rate should be the prevailing rate from the date of assignment. I accepted my appointment to the SDNY CJA Panel in January of 2016 and have remained in good standing since that date.

On the date of assignment, the approved CJA rate was \$155/hr and was updated to \$158/hr on January 1, 2022. As a solo practitioner, the adjustment to the prevailing

rate, nunc pro tunc to June 3, 2021 would greatly assist in avoiding any economic hardship for counsel.

Thank you in advance for any and all consideration of this application.

Respectfully submitted,

-S-

A James Bell, Esq.

Application denied. The application to adjust the authorized rate for work conducted in 2021 is denied. The Court appreciates that a higher rate of pay would be helpful to counsel, but the Court is not aware of the authority that would allow it to authorize higher rates than the authorized CJA rates for that reason. The application to "authorize additional hours as necessary to continue our representation" is denied without prejudice. The request is made "should counsel's services go beyond the 100 hours." The request is denied because the case is long closed. The Court is not aware of a reason why additional hours should be necessary at this point to continue a representation that has been completed or why, at this point, the hours might grow beyond the authorized amount. This portion of the application is denied without prejudice in the event that the Court's interpretation of the language of this letter as a request to authorize for work to be undertaken in the future ("*should* counsel's services go beyond," "*necessary to continue* representation") not reflect counsel's intentions.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 253.

SO ORDERED.

Dated: August 15, 2024

New York, New York



GREGORY H. WOODS
United States District Judge